

REPORT OF THE COMMITTEE ON HEALTH & HOSPITALS

**June 9, 2009
(Recessed and Reconvened on June 16, 2009)**

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Butler, Vice Chairman Goslin, Commissioner(s) Beavers, Claypool, Collins, Daley, Gorman, Maldonado, Moreno, Murphy, Peraica, Quigley, Schneider, Silvestri, Sims, Steele and Suffredin (17)

Absent: Commissioners Moreno and Peraica (2)

Ladies and Gentlemen:

Your Committee on Health & Hospitals of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, June 16, 2009 at the hour of 10:00 AM in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item(s) and upon adoption of this report, the recommendations are as follows:

298604 IN OPPOSITION TO THE RELOCATION OF THE COOK COUNTY DEPARTMENT OF PUBLIC HEALTH TO THE OAK FOREST HOSPITAL OF COOK COUNTY CAMPUS (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Peter N. Silvestri and Earlean Collins, County Commissioners.

PROPOSED RESOLUTION

IN OPPOSITION TO THE RELOCATION OF THE COOK COUNTY DEPARTMENT OF PUBLIC HEALTH TO THE OAK FOREST HOSPITAL OF COOK COUNTY CAMPUS

WHEREAS, the Cook County Department of Public Health has been located at its current location at 1010 Lake Street in Oak Park, Illinois since 1992, having relocated from its Maybrook County Courthouse facility for the purpose of providing additional courtrooms; and

WHEREAS, the facility is centrally located in Cook County in downtown Oak Park, accessible to the CTA Green Line and the Blue Line, the METRA railroad line and the Eisenhower Expressway and numerous PACE and CTA bus lines; and

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WHEREAS, the facility includes the Department's administration offices, various educational programs, and public information resources, which are utilized by municipalities, public and private schools, community groups, the press and the public; and

WHEREAS, Oak Forest Hospital of Cook County is located in the far southwest section of the County and is not nearly as accessible as the Oak Park location; and

WHEREAS, the Oak Forest Hospital of Cook County site requires the expenditure of public funds, which far outweigh a long term rental of space in a central location; and

WHEREAS, the people of Cook County and their municipalities and schools are better served in an accessible, central location, which has been utilized as such for the past seventeen years.

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Commissioners direct that all efforts and expenditures planned for the relocation of the Cook County Department of Public Health be terminated.

Commissioner Silvestri, seconded by Commissioner Murphy, moved to Defer Communication No. 298604. The motion carried.

299986 AMENDMENT TO THE BOARD OF HEALTH ORDINANCE (PROPOSED ORDINANCE AMENDMENT). Transmitting a Communication, dated March 30, 2009 from Stephen A. Martin, Jr. Ph.D., M.P.H., Chief Operating Officer, Department of Public Health:

the Cook County Department of Public Health (CCDPH) respectfully requests the Board of Commissioners approve the proposed amendment to the Cook County Board of Health Ordinance.

This proposed amendment serves two purposes. First, it clarifies the authority of the Cook County Department of Public Health to require certain types of state-licensed providers within the department's jurisdiction to participate in the electronic submission of syndromic surveillance data. This data is extremely useful to the efforts of the Department in communicable disease control and has the potential to alert us to an outbreak in its very early stages, when intervention may be most effective. Many health providers currently participate in this program on a voluntary basis and we would like to pursue participation arrangements with more providers to improve our efforts in this very

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exciting program.

The second purpose of the proposed amendment is to memorialize authorizations, many of which have been extended to the Department by the Board through Board Resolutions in the past regarding various types of routine memoranda of agreement the Department periodically needs to enter into. These agreements are typically programmatic in nature and do not involve the establishment of fees, except to the extent that fees have been separately approved by the Board and set forth in the schedule found at Chapter 32 Fees of the Cook County Code.

Submitting a Proposed Ordinance Amendment sponsored by

TODD H. STROGER, President, JERRY BUTLER and ELIZABETH "LIZ" DOODY GORMAN,
County Commissioners

The following is a synopsis of the Proposed Ordinance Amendment

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO THE BOARD OF HEALTH ORDINANCE

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Article II, Sections 38-32, 38-33 and 38-40 of the Cook County Code are hereby amended as follows:

Sec. 38-32. Department powers and duties.

Sec. 38-33. Measures ordered by department.

Sec. 38-40. Agreements Child day care centers visits.

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COMMUNICATION NO. 299986

SUBSTITUTE AMENDMENT OF THE BOARD OF HEALTH ORDINANCE

PROPOSED ORDINANCE

Sponsored by

THE HONORABLE JERRY BUTLER, COMMISSIONER

THE HONORABLE ELIZABETH "LIZ" DOODY GORMAN, COMMISSIONER

WHEREAS, the Board of Commissioners of Cook County serves as the Board of Health and as such oversees the regulatory and programmatic activities of the Cook County Department of Public Health; and

WHEREAS, the Cook County Department of Public Health engages in syndromic surveillance activities, whereby it receives electronic transmissions of information regarding chief complaints reported to emergency departments of area hospitals, particularly those located within suburban Cook County; and

WHEREAS, syndromic surveillance program is an important public health tool with the potential to assist in identifying measures that may reduce the severity of an outbreak of communicable disease; and

WHEREAS, the Cook County Department of Public Health wishes to assure provider participation in this program through clarification of its authority to require emergency departments and other providers, such as urgent care centers, to participate in the syndromic surveillance program; and

WHEREAS, the Cook County Department of Public Health participates in a large number of community initiatives, emergency planning, and routine inspection programs which are often memorialized in memoranda of agreement and the Board has previously, through its proceedings including various resolutions, extended authorization to the Chief Operating Officer of the Cook County Department of Public Health to enter into such agreements; and

WHEREAS, the Cook County Department of Public Health seeks to consolidate and clarify its authorization to enter into various programmatic agreements consistent with Board authorization or direction, in the Board of Health Ordinance;

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 38, Article II, Sections 38-32 through Section 38-40 of the Cook County Code are hereby amended as follows:

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Sec. 38-32. Department powers and duties.

The Chief Executive Officer, subject to the control of the Board and to the direction of the Chief of Health Services, have charge of the Department's staff and activities and shall delegate responsibilities to qualified personnel of the Department as necessary to efficiently carry out the activities of the Department pursuant to this article. The Department shall have the following powers and duties:

- (1) Enforce and observe all applicable statutes, applicable regulations of the Illinois Department of Public Health, and this article, including Rules and Regulations adopted by the Department pertaining to the preservation of the public's health;
- (2) Initiate and carry out, at the direction of the Board, programs and activities of all kinds not inconsistent with law that may be deemed necessary or desirable in the promotion and protection of health and the control of disease or conditions which threaten the public's health;
- (3) Adopt and enforce rules and regulations concerning the promotion and protection of the public's health including, but not limited to, rules and regulations requiring the reporting to the Department of circumstances defined by the Department which may result in action by the Department to protect the public's health; or enforce applicable rules and regulations promulgated by other authorities having power to make such rules and regulations;
- (4) Cooperate with Federal and State health authorities to combat new or evolving public health threats and, where appropriate, make or adopt public health proclamations, guidelines, bulletins or health advice published or promoted, in any form, by Federal or State health officials pertaining to the preservation of the public's health;
- (5) Coordinate the activities of the Department with other County, local, municipal and State offices to provide a coordinated response for the control of diseases or conditions which threaten the public's health;
- (6) Identify and study the occurrence of contagious or infectious diseases including, but not limited to, requiring information to be submitted by health providers who operate a state-licensed emergency room, trauma center or urgent care center, transmission of information to state and federal health authorities, and implementation of electronic and other syndromic or diagnostic surveillance systems and activities in conjunction with health providers within the jurisdiction of the Department;

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- (67) Investigate the existence of any contagious or infectious diseases and take measures necessary to investigate the existence and prevent the spread of dangerously contagious diseases including, but not limited to, directing the performance of physical examinations and tests, the collection of laboratory specimens, the administration of vaccines, medications, or other treatments and the observation and monitoring of persons who may have been exposed to a dangerously contagious disease;
- (78) Enforce the regulations of the Department and applicable regulations of the authorities having the power to make such regulations;
- (89) Determine when diseases are contagious or epidemic or when a danger to the public's health exists and order those measures deemed necessary to protect the public's health including, but not limited to, the quarantine or isolation of persons or closure of places when such action is required to protect the public's health, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no immediate threat to the public health any longer exists;
- (910) Make all necessary sanitary and health investigations and inspections;
- (1011) Investigate and cause to be abated nuisances affecting the public health with all reasonable promptness in accordance with applicable law, including this article;
- (1112) Upon request, give professional advice and information to all city, village, incorporated town, and school authorities on matters pertaining to sanitation and public health;
- (1213) For any suspected violation of this article or state law, enter any building, structure or premises, according to law, for the purpose of determining whether there is a violation of any of the health provisions of this article or the health provisions of State law;
- (1314) Cause to be confined, and specify the conditions of such confinement, any person who fails to comply with an order of the Department or the Court or who, in the judgment of the Department, may not be relied upon to comply with an order of the Department, where such confinement is necessary to protect the public health;
- (1415) Cause to be arrested any person who violates an order of the Department or the Illinois Department of Public Health;

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(1516) In a manner consistent with Federal and State requirements, as applicable, during an occurrence of biological or chemical terrorism or during a declared disaster which threatens the public's health, request, and at sites designated by the CCDPH, receive and cause to be distributed pharmaceutical and medical supplies from the Illinois Pharmaceutical Stockpile, the Strategic National Stockpile and or any additional sources in order to aid the state and local emergency response authorities when local resources have been depleted or when the need for additional resources is reasonably anticipated;

(1617) During a declared disaster which threatens the public's health, take such actions as may be requested by the President of the Board or designee in order to protect the health of the residents of the County.

(Ord. No. 04-O-13, § 1(5-206), 3-9-2004.)

Sec. 38-33. Measures ordered by department.

(a) *Issuance of orders; court petitions.* The Department may order measures it deems necessary to protect the public's health including, but not limited to, an order requiring that a person or a group of persons be quarantined or isolated or that a place be closed and made off limits to the public. Such orders shall be issued with the consent of the person(s) or owner of the place affected or upon the prior order of a court of competent jurisdiction. If, in the judgment of the Department, immediate action is required to protect the public health, the Department may order, on an immediate basis without prior consent or court order, measures it deems necessary to protect the public's health including, but not limited to, an order requiring that a person or a group of persons be quarantined or isolated or that a place be closed and made off limits to the public, until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no immediate threat to the public health any longer exists. In addition to other circumstances in which such orders are appropriate, the Department may order that an individual be quarantined or isolated in order to prevent the spread of a dangerously communicable disease when an individual refuses or fails to submit to measures required by the Department in order to investigate whether a person is or may be infected with or capable of communicating a dangerously communicable disease. In the event of an immediate order issued without prior consent or court order, the Department shall, as soon as practicable thereafter, obtain the consent of the person or owner or file a petition requesting a court order authorizing the continuation of the order of the Department. Pending a court order on the matter, all Department orders shall remain in full force and effect until lifted by the Department. The County shall make payment of reasonable attorneys' fees, if ordered by the Court, with respect to the representation of indigent persons who object to a Department order.

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(b) *Enforcement of orders.* A health care provider licensed in Illinois and a law enforcement officer with proper jurisdiction shall be authorized to enforce orders issued by the Department and orders of the Court with respect to public health measures and shall assist the Department in enforcing such orders.

(c) Syndromic or Diagnostic Surveillance. In order to identify, study or reduce the occurrence or transmission of contagious or infectious diseases, the Department may require health providers who operate a state-licensed emergency room, trauma center or urgent care center to submit information electronically pertaining to the symptoms reported to said health providers by their patients and may require other categories of state-licensed health providers including but not limited to laboratories to supply diagnostic information. The Department shall provide appropriate instruction and access to the provider on systems licensed and utilized by the Department for the receipt and transmission of said information and shall enter into an appropriate data sharing agreement with the health providers submitting such information.

(ed *Regulations.* The Department may promulgate rules and regulations as are reasonable and necessary to implement and effectuate the provisions of this section, including rules and regulations providing for due process protections.

(Ord. No. 04-O-13, § 1(5-207), 3-9-2004.)

Sec. 38-34. Petty cash account.

(a) *Authorization to set up.* The Department of Public Health is hereby authorized to set up a special account in a bank or depository to be known as "Cook County Department of Public Health-Petty Cash Account."

(b) *Persons authorized to draw on account.* The Chief Executive Officer, the Department's Director of Financial Control and a Department employee acting in a fiduciary capacity shall be authorized to sign checks drawn on the aforementioned "Cook County Department of Public Health-Petty Cash Account" for payment of petty cash expenses; provided, however, that all checks so drawn shall be signed by at least two of the three persons so authorized to sign.

(Ord. No. 04-O-13, § 1(5-2-9, 5-210), 3-9-2004.)

Sec. 38-35. Auditing account.

The "Cook County Department of Public Health-Petty Cash Account" shall be audited at the close of each fiscal year by the County Auditor and a report shall be filed with the Board of Commissioners.

(Ord. No. 04-O-13, § 1(5-211), 3-9-2004.)

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Sec. 38-36. Home nursing visits.

The Department of Public Health is hereby authorized to coordinate the providing of home nursing visits to suburban Cook County.

(Ord. No. 04-O-13, § 1(5-212), 3-9-2004.)

Sec. 38-37. Regulations.

The Department is authorized to issue rules and regulations in carrying out its duties under this article. With the exception of emergency regulations, all regulations of the Department shall be submitted to the Board for approval prior to becoming effective. Upon a determination that the public's health will be endangered unless immediate regulatory action is taken, the Chief Executive Officer may adopt and enforce emergency regulations of the Department which shall remain in effect until the Board has adopted or rejected the emergency regulations or for a period of 90 days, whichever is shorter. All regulations adopted by the Department shall be filed with the County Clerk and shall be available at the main offices of the Department.

(Ord. No. 04-O-13, § 1(5-215), 3-9-2004.)

Sec. 38-38. Violations; penalty.

(a) Any person who violates the provisions of this article, or any regulations promulgated hereunder, or any Department orders authorized under this article or under applicable law shall be guilty of a Class B misdemeanor and shall be subject to arrest and a fine of \$1,000.00 for each violation.

(b) In addition to any other remedies permitted under this article, the Department or the State's Attorney may file a complaint in the Circuit Court of the County to enjoin any person from violating the provisions of this article, or any regulations promulgated hereunder or any Department orders provided for under this article.

(Ord. No. 04-O-13, § 1(5-216), 3-9-2004.)

Sec. 38-39. Article as exercise of Home Rule Authority.

This article, as amended from time to time, is promulgated pursuant to the powers of the County of Cook as a home rule unit of local government under the 1970 Illinois Constitution, Article VII, Section 6, and shall supersede all state statutes to the extent that it may be in conflict with them, including without limitation, any of the provisions set forth in 55 ILCS 5/5-25001 et seq., as amended.

(Ord. No. 04-O-13, § 1(5-217), 3-9-2004.)

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Sec. 38-40. Agreements Child day care centers visits.

The Cook County Department of Public Health, through its Chief Operating Officer, is hereby authorized to enter into and execute agreements on behalf of the County as follows:

(a) to provide public health nursing consultation services to licensed child day care centers as defined in the administrative regulations of the Illinois Department of Children and Family Services (IDCFS) at 89 Ill. Adm. Code 377.2 (2005). The Department will provide technical assistance to licensed child day care centers at a rate of \$90.00 per service hour unless a change in this rate is approved by the Board to assist these facilities in complying with regulatory requirements established by the IDCFS as set forth in paragraph (b) of Section 407.210 of the IDCFS Licensing Standards for Day Care Centers as well as to assist these facilities in complying with Illinois Department of Public Health and IDCFS standards regarding medical reports and childhood immunizations and to provide information regarding the prevention of communicable disease. The Chief Operating Officer of the Department shall be authorized to sign such agreements on behalf of the County.

(b) to perform inspections of retail food establishments within municipalities at such rates as have been approved by the Board;

(c) to extend or renew, without substantive change, existing software license agreements for syndromic or diagnostic surveillance systems utilized by the Department and previously approved by the Board, provided such extension or renewal does not obligate the County to pay additional license fees;

(d) to receive, transmit, maintain as confidential, study or utilize syndromic or diagnostic information including, but not limited to, agreements with other municipal, county, state and federal public health authorities and with health providers, their respective contractors and their contractor's licensees, to participate in syndromic or diagnostic surveillance activities including agreements to share confidential data, to transmit and receive information using secured web and software systems licensed by the Department, and to perform such other activities as may be necessary to participate in the Department's electronic syndromic or diagnostic surveillance program.

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(e) to participate in or coordinate a Medical Reserve Corps or similar volunteer program and to render or to receive emergency mutual aid including provisions for the redistribution, sharing or allocation of supplies, personnel and responsibilities within Cook County and the surrounding counties for purposes of the promotion of public health and emergency preparedness and response;

(f) setting forth the terms pursuant to which an action authorized under this Ordinance to be performed by the Department shall be carried out including, but not limited to, the terms pursuant to which a distribution of medicines, vaccines or supplies is made or received to or from the Illinois Department of Public Health, local health departments or emergency management agencies, municipalities and townships and licensed health providers;

(g) to participate in the Illinois Public Health Mutual Aid System;

(h) to utilize premises within Cook County, without obligation to pay rent, for purposes of public health emergency preparedness and response;

(i) to memorialize responsibilities of program participants in connection with the implementation of public health programs, provided that there is no fiscal obligation imposed upon the County as a result.

(Ord. No. 06-O-06, § 1, 2-1-2006.)

Secs. 38-41--38-50. Reserved

Approved and adopted this ____ day of June 2009.

Commissioner Daley, seconded by Vice Chairman Goslin, moved to accept the Substitute Amendment of the Board of Health Ordinance Communication No. 299986.

Vice Chairman Goslin, seconded by Commissioner Daley, moved to Approve the Substitute Amendment of the Board of Health Ordinance Communication No.299986. The motion carried.

299999 REQUESTING A MEETING OF THE COMMITTEE ON HEALTH AND HOSPITALS TO REVIEW THE COST TO COOK COUNTY OF THE PRACTICE OF OTHER HOSPITALS AND COUNTY HEALTH DEPARTMENTS SENDING PATIENTS TO STROGER HOSPITAL OF COOK COUNTY FOR COSTLY FOLLOW-UP CARE (PROPOSED RESOLUTION). Submitting a Proposed Resolution sponsored by Larry Suffredin, County Commissioner; Co-Sponsored by William M. Beavers, Jerry Butler, Forrest Claypool, Earlean Collins, John P. Daley, Bridget Gainer, Elizabeth "Liz" Doody Gorman, Gregg Goslin, Roberto Maldonado, Joan Patricia Murphy, Anthony J. Peraica, Timothy O. Schneider, Peter N. Silvestri, Deborah Sims and Robert B. Steele, County

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Commissioners.

PROPOSED RESOLUTION

WHEREAS, the mission of the Cook County Health & Hospitals System is to provide quality health care to Cook County patients without regard of ability to pay; and

WHEREAS, the State of Illinois and the Cook County Board of Commissioners in recognition of the need to partner with other non-profit hospitals to reduce the growing number of indigent patients seeking care in Cook County, provide tax exemptions worth millions of dollars with the understanding that the recipient hospitals would provide medical care to indigent or under-insured patients; and

WHEREAS, *the Chicago Tribune* recently conducted an investigation of non-profit hospitals referring indigent and under-insured patients to Stroger Hospital of Cook County to complete costly treatment; and

WHEREAS, *the Chicago Tribune's* investigation found that patients from non-profit facilities in Cook County and as far as Lake and DuPage Counties are being sent to Stroger Hospital of Cook County for costly treatment; and

WHEREAS, *the Chicago Tribune's* investigation found that governmental health departments in the collar counties continue to refer patients needing costly care to Stroger Hospital of Cook County rather than to non-profit hospitals in their own counties; and

WHEREAS, *the Chicago Tribune's* investigation found that uninsured cancer patients, Medicaid patients with heart disease and immigrants with broken bones have been among those that come to Stroger Hospital of Cook County for urgent follow-up care after being stabilized or evaluated elsewhere; and

WHEREAS, *the Chicago Tribune's* investigation found that some patients arrive in the emergency room of Stroger Hospital of Cook County with diagnosis, treatment recommendations, discharge slips and prescriptions from other hospitals and governmental health departments, along with maps to Stroger Hospital.

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NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners does hereby request that a meeting of the Committee on Health & Hospitals be convened to review the cost to Cook County of the practice of other hospitals and county health departments sending patients to Stroger Hospital of Cook County for costly follow-up care.

Commissioner Suffredin, seconded by Commissioner Murphy, moved to Defer Communication No. 299999. The motion carried.

Commissioner Silvestri moved to adjourn the meeting, seconded by Commissioner Daley. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTERS NAMED HEREIN:**

Communication Number 298604	Deferred
Communication Number 299986	Approved
Communication Number 299999	Deferred

Respectfully submitted,
Committee on Health & Hospitals

Jerry Butler, Chairman

Attest:

Matthew B. DeLeon, Secretary